

Exhibit 143

Redacted Public Version

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.

Plaintiff,

vs.

STOCKX LLC,

Defendants.

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) No.

) 1:22-cv-00983-VEC

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The videotaped deposition of

KARI KAMMEL

taken before JO ANN LOSOYA, CSR, RPR, CRR, pursuant
to the provisions to the taking of depositions at
444 West Lake Street, Chicago, Illinois commencing
at 9:45 a.m. on July 18, 2023.

<p style="text-align: right;">Page 2</p> <p>1 PRESENT:</p> <p>2</p> <p>3 DLA PIPER LLP</p> <p>4 TAMAR DUVDEVANI</p> <p>5 MARC MILLER</p> <p>6 1251 Avenue of the Americas</p> <p>7 New York, New York 10020</p> <p>8 tamar.duvdevani@dlapiper.com</p> <p>9 marc.miller@dlapiper.com</p> <p>10 Appeared on behalf of Plaintiff.</p> <p>11</p> <p>12 DEBEVOISE & PLIMPTON LLP</p> <p>13 MEGAN K. BANNIGAN</p> <p>14 KATHRYN SABA</p> <p>15 919 Third Avenue</p> <p>16 New York, New York 10022</p> <p>17 mkbannigan@debevoise.com</p> <p>18 ksaba@debevoise.com</p> <p>19 Appeared on behalf of Defendants.</p> <p>20 ALSO PRESENT:</p> <p>21 KIM VAN VOORHIS,</p> <p>22 Nike, Inc.</p> <p>23</p> <p>24 VIDEOGRAPHER: Milo Savich</p> <p>25 STENOGRAPHICALLY REPORTED BY:</p> <p>JO ANN LOSOYA, CSR, RPR, CRR</p> <p>LICENSE #: 084-002437</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX OF EXHIBITS</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Exhibit 1 Expert Witness Report of Kari 5</p> <p>4 Kammel</p> <p>5 Exhibit 2 Rebuttal Expert Witness Report 5</p> <p>6 of Kari Kammel</p> <p>7 Exhibit 3 Expert Report of Robert L 140</p> <p>8 Vigil, Ph.D.</p> <p>9 Exhibit 4 Kari Kammel testimony before 148</p> <p>10 the US Senate Judiciary</p> <p>11 Committee for the hearing on</p> <p>12 cleaning up online marketplaces</p> <p>13 Exhibit 5 Nike Brand Protection 240</p> <p>14 PowerPoint</p> <p>15 Exhibit 6 Expert rebuttal report of 265</p> <p>16 Richard Lamagna</p> <p>17 Exhibit 7 StockX policy, STX0021481 307</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 EXAMINATION</p> <p>2 Witness Page Line</p> <p>3 KARI KAMMEL</p> <p>4 By Ms. Bannigan 7 6</p> <p>5 By Ms. Duvdevani 300 15</p> <p>6 By Ms. Bannigan 310 5</p> <p>7</p> <p>8 *****</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 (Deposition Exhibit 1 was marked</p> <p>2 for identification.)</p> <p>3 (Deposition Exhibit 2 was marked</p> <p>4 for identification.)</p> <p>5 THE VIDEOGRAPHER: Good morning. We are</p> <p>6 going on the record at 9:45 a.m. on July 18, 2023.</p> <p>7 Please note that the microphones are</p> <p>8 sensitive and may pick up whispering and private</p> <p>9 conversation. Please mute your phones at this time.</p> <p>10 Audio and video recording will</p> <p>11 continue to take place unless all parties agree to</p> <p>12 go off the record.</p> <p>13 This is Media Unit No. 1 of the</p> <p>14 video-recorded deposition of Kari Kammel taken by</p> <p>15 counsel for defendant in the matter of Nike, Inc.,</p> <p>16 versus StockX LLC. This case is filed in the United</p> <p>17 States District Court for the Southern District of</p> <p>18 New York. The Case Number is 1:22-cv-00983-VEC.</p> <p>19 The location of this deposition is DLA Piper LLP,</p> <p>20 444 West Lake Street, Suite 900, Chicago,</p> <p>21 Illinois 60606.</p> <p>22 My name is Milo Savich representing</p> <p>23 Veritext and I am the videographer. The court</p> <p>24 reporter is JoAnn Losoya also from Veritext.</p> <p>25 I am not authorized to administer an</p>

<p style="text-align: right;">Page 6</p> <p>1 oath, I am not related to any party in this action, 2 nor am I financially interested in the outcome. 3 If there are any objections to the 4 proceeding, please state them at the time of your 5 appearance. 6 Counsel and all present, including 7 those participating remotely, will now please state 8 their appearances and affiliations for the record, 9 beginning with the noticing attorney. 10 MS. BANNIGAN: Good morning. Megan 11 Bannigan from Debevoise & Plimpton representing, 12 Defendant, StockX. With me is my colleague from 13 Debevoise & Plimpton Kathryn Saba. 14 MS. DUVDEVANI: Good morning. Tamar 15 Duvdevani, DLA Piper, on behalf of Nike, Inc. I'm 16 joined by my partner Marc Miller of my firm and by 17 Kim Van Voorhis, in-house counsel at Nike. 18 I'll note right now that it's 19 possible that Ms. Bannigan will be showing the 20 witness documents that have been designated as the 21 highest level of confidentiality that Kim cannot see 22 in which case she will simply step out of the room. 23 (Witness sworn at 9:48 a.m.) 24 25</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And what were the circumstances of those 2 depositions -- withdraw that. 3 What were the cases in which you were 4 deposed? 5 A. So they were two immigration cases that 6 were involving asylum and withholding and removal. 7 Q. About how long ago were those 8 depositions? 9 A. I don't remember the exact dates but one 10 of them was probably about eight or nine years ago 11 and the second one was probably about four or five 12 years ago. 13 Q. Okay. So I take it you're aware of the 14 rules of the deposition. But I'll go over them 15 quickly just to make sure we understand each other. 16 So your testimony today is under 17 oath. It's being taken down by a stenographer. It 18 is being videoed and it may be read or played at 19 trial or used for other purposes relating to this 20 lawsuit. 21 Any questions about that? 22 A. No. 23 Q. Okay. You're required, as I know you're 24 aware, to give truthful answers to my questions and 25 complete answers.</p>
<p style="text-align: right;">Page 7</p> <p>1 WHEREUPON: 2 KARI KAMMEL, 3 called as a witness herein, having been first duly 4 sworn, was examined and testified as follows: 5 E X A M I N A T I O N 6 BY MS. BANNIGAN: 7 Q. Please state your name for the record. 8 A. Kari Kammel. 9 Q. Are you represented by DLA Piper for the 10 purposes of today's deposition? 11 A. Yes. 12 Q. And is there any reason why you can't 13 testify completely and truthfully today? 14 A. No. 15 Q. Are you taking any medication or 16 suffering from any medical or other physical 17 condition that would prevent you from testifying 18 completely and truthfully? 19 A. No. 20 Q. Those are all just standard deposition 21 questions. 22 Have you ever been deposed before? 23 A. Yes. 24 Q. How many times? 25 A. Twice.</p>	<p style="text-align: right;">Page 9</p> <p>1 Any issues with that? 2 A. No. 3 Q. Because the court reporter is taking down 4 your testimony, it's important that all of my 5 questions and your answers are verbalized. So 6 please always give a spoken answer. And I'll try my 7 best not to talk over you, you try your best not to 8 talk over me, and we'll work together for the 9 stenographer. 10 Does that work for you? 11 A. Yes. 12 Q. We can take regular breaks during the 13 deposition. If at any time you need to take a 14 break, just let me know. I'm happy to accommodate 15 that. I just ask that you not request a break while 16 a question is pending, or I might have a couple of 17 questions and a certain line of questioning to 18 finish up and then I have no problem taking a break. 19 Okay. 20 If you don't understand a question I 21 ask, please just tell me and we'll see what we can 22 do. Okay? 23 A. Okay. 24 Q. Thank you. 25 Have you ever served as an expert</p>

<p style="text-align: right;">Page 30</p> <p>1 that you discussed with Barbara, in which case you</p> <p>2 can certainly answer those questions.</p> <p>3 BY MS. BANNIGAN:</p> <p>4 Q. Did you discuss any legal strategy with</p> <p>5 Ms. Delli Carpini on this call?</p> <p>6 A. No, I did not.</p> <p>7 Q. Was the entire call purely to learn facts</p> <p>8 to help you in writing your report?</p> <p>9 A. Yes. That's correct.</p> <p>10 Q. Okay. What did you discuss with</p> <p>11 Ms. Delli Carpini?</p> <p>12 A. What I discussed is outlined in my</p> <p>13 report, which is questions about their brand</p> <p>14 protection strategies.</p> <p>15 Q. Did you take any notes when you were on</p> <p>16 the call?</p> <p>17 A. I did not.</p> <p>18 Q. How did you recall all the information</p> <p>19 that you state in the report that you learned from</p> <p>20 the call without taking notes?</p> <p>21 A. I wrote that directly into the report.</p> <p>22 Q. As you were speaking to Ms. Delli</p> <p>23 Carpini?</p> <p>24 A. Yes, that's correct.</p> <p>25 Q. Did you make edits to that section at any</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes, that's correct.</p> <p>2 Q. Is it accurate to conclude that you</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Do you know what Ms. Delli Carpini's</p> <p>7 basis for asserting that [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 A. Can you repeat the question?</p> <p>11 Q. That was a bad question. Thank you.</p> <p>12 Do you know what Ms. Delli Carpini's</p> <p>13 basis for asserting these facts were?</p> <p>14 A. I believe her basis was her experience in</p> <p>15 her role at Nike.</p> <p>16 Q. Did you ask her for any underlying facts?</p> <p>17 A. I did not.</p> <p>18 Q. Did Ms. Delli Carpini tell you that</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 A. So she told me what is in this sentence</p> <p>23 which is that [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
<p style="text-align: right;">Page 31</p> <p>1 point?</p> <p>2 A. Perhaps grammatical ones but not</p> <p>3 substantive ones.</p> <p>4 Q. The cites -- the information that cite</p> <p>5 the call with Ms. Delli Carpini was -- that portion</p> <p>6 of your report was written in real time while you</p> <p>7 were on the call with her?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Did you confirm with anyone at Nike that</p> <p>10 your recollections from this call were correct?</p> <p>11 A. I did not specifically, no.</p> <p>12 Q. Were there any facts that you learned on</p> <p>13 that call that you did not add to your report?</p> <p>14 A. No.</p> <p>15 Q. So everything that Ms. Delli Carpini told</p> <p>16 you, you input into this report?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. Let's look at Page 15 of your report.</p> <p>19 In the last paragraph on this page,</p> <p>20 you say "[REDACTED]"</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 33</p> <p>1 [REDACTED]</p> <p>2 Q. You also mentioned that you reviewed</p> <p>3 Ms. Delli Carpini's videotaped deposition, correct?</p> <p>4 A. No, I reviewed her deposition transcript.</p> <p>5 Q. Okay. And did you review the entire</p> <p>6 transcript or just portions?</p> <p>7 A. I did review the entire transcript.</p> <p>8 Q. Did you ask her any questions about her</p> <p>9 deposition testimony?</p> <p>10 A. No, I did not.</p> <p>11 Q. Did you confirm any of the things that</p> <p>12 Ms. Delli Carpini told you with any other sources?</p> <p>13 MS. DUVDEVANI: Objection.</p> <p>14 BY THE WITNESS:</p> <p>15 A. No.</p> <p>16 MS. DUVDEVANI: Go ahead.</p> <p>17 BY THE WITNESS:</p> <p>18 A. No, I did not.</p> <p>19 MS. BANNIGAN: What's the basis of your</p> <p>20 objection?</p> <p>21 MS. DUVDEVANI: Vague.</p> <p>22 BY MS. BANNIGAN:</p> <p>23 Q. Let's look at Exhibit 2 of your report,</p> <p>24 your rebuttal report.</p> <p>25 Here on the last page, flipping to</p>

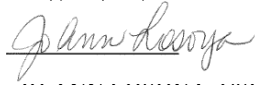
<p style="text-align: right;">Page 34</p> <p>1 the last page, you mention that you had two</p> <p>2 conversations with Mr. Pallett from Nike, one on</p> <p>3 May 31, 2023, and one on June 1, 2023; is that</p> <p>4 accurate?</p> <p>5 A. Yes.</p> <p>6 Q. Are the dates of those calls correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you request to speak with</p> <p>9 Mr. Pallett?</p> <p>10 A. Yes.</p> <p>11 Q. Why?</p> <p>12 A. I did not request him specifically but I</p> <p>13 asked to speak to someone about authentication.</p> <p>14 Q. Had you ever spoken to Mr. Pallett other</p> <p>15 than these two calls?</p> <p>16 A. No.</p> <p>17 Q. You mentioned earlier that you had</p> <p>18 conversations with Nike about your report, you</p> <p>19 thought that was in between the affirmative report</p> <p>20 and the rebuttal report. Are these the</p> <p>21 conversations you are referring to or are there</p> <p>22 other conversations?</p> <p>23 A. No, these are the ones I was referring</p> <p>24 to.</p> <p>25 Q. Okay. Other than these two</p>	<p style="text-align: right;">Page 36</p> <p>1 about -- we had spoken about the Zadeh Kicks</p> <p>2 organization, or case, and some of the shoes that</p> <p>3 were involved in that.</p> <p>4 Q. Why did you speak with Mr. Pallett about</p> <p>5 the Zadeh Kicks case or shoes?</p> <p>6 A. So that was to know if Nike had confirmed</p> <p>7 that any shoes that were sold by StockX were</p> <p>8 counterfeit and not authentic.</p> <p>9 Q. When you say "to know if Nike had</p> <p>10 confirmed that any shoes that were sold by StockX</p> <p>11 were counterfeit and not authentic," any shoes that</p> <p>12 were sold to Zadeh or any shoes at all or what</p> <p>13 exactly do you mean by that?</p> <p>14 A. I believe I had asked a general question</p> <p>15 and these were some of the examples that they</p> <p>16 shared.</p> <p>17 Q. When you say reviewed the set of emails</p> <p>18 and images, how did you get the set of emails and</p> <p>19 images?</p> <p>20 A. I got those from the Nike lawyers.</p> <p>21 Q. Prior to your call with Mr. Pallett?</p> <p>22 A. I believe I received them either during</p> <p>23 the call or after the call.</p> <p>24 Q. Okay. And did you -- so what did you</p> <p>25 learn from Mr. Pallett?</p>
<p style="text-align: right;">Page 35</p> <p>1 conversations, did you have any conversations with</p> <p>2 anyone from Nike about the substance in your report?</p> <p>3 A. No.</p> <p>4 Q. Let's start with the May 31 call.</p> <p>5 Who was on that call?</p> <p>6 A. So I believe it was Joe Pallett and Kim</p> <p>7 and Marc and Tamar and Gabby.</p> <p>8 Q. How long was the call?</p> <p>9 A. Again, I believe it was probably about</p> <p>10 30 minutes.</p> <p>11 Q. Do you recall --</p> <p>12 A. Sorry.</p> <p>13 Q. Do you recall how long it was?</p> <p>14 A. I don't know exactly. It was probably</p> <p>15 around 30 minutes.</p> <p>16 Q. What did you discuss on the call?</p> <p>17 A. I don't remember exactly for this but I</p> <p>18 did reference it in my report, in my rebuttal</p> <p>19 report.</p> <p>20 Q. Let's look at, to make it easier for you,</p> <p>21 Footnote 95 of your rebuttal report, Exhibit 2.</p> <p>22 Does this help refresh your</p> <p>23 recollection of what you discussed with Mr. Pallett</p> <p>24 on May 31?</p> <p>25 A. Yes, that's correct. We had talked</p>	<p style="text-align: right;">Page 37</p> <p>1 A. The details of which are outlined in this</p> <p>2 section.</p> <p>3 Q. What did you learn specifically about</p> <p>4 whether if Nike had confirmed that any shoes were</p> <p>5 sold by StockX that were counterfeit and not</p> <p>6 authentic?</p> <p>7 A. That they had confirmed that some of --</p> <p>8 some of the shoes that were supposedly genuine but</p> <p>9 described as being defective Nike products were</p> <p>10 indeed counterfeit.</p> <p>11 Q. Prior to this time, were you aware of any</p> <p>12 other allegations that Nike had allegedly discovered</p> <p>13 counterfeit shoes being sold at Nike?</p> <p>14 MS. DUVDEVANI: Objection.</p> <p>15 MS. BANNIGAN: Excuse me. Obviously that</p> <p>16 was wrong. Withdraw that question.</p> <p>17 BY MS. BANNIGAN:</p> <p>18 Q. Prior to this time, were you aware of any</p> <p>19 other allegations that Nike had allegedly discovered</p> <p>20 counterfeit shoes being sold through StockX?</p> <p>21 A. So, yes, in the documents that I reviewed</p> <p>22 for my initial report.</p> <p>23 Q. Okay. So what was the purpose of going</p> <p>24 back to Mr. Pallett here?</p> <p>25 A. To ask if there were any specific ones</p>

<p style="text-align: right;">Page 38</p> <p>1 that I could review and learn about.</p> <p>2 Q. Were you looking for a certain scenario</p> <p>3 of how counterfeits were identified? Were you</p> <p>4 looking for any counterfeit that was identified?</p> <p>5 Like what? You know, help me understand what you</p> <p>6 were looking for here.</p> <p>7 A. So in this -- so in this conversation, I</p> <p>8 was interested in manufacturing defects.</p> <p>9 Specifically, if you will note on Page 13, there</p> <p>10 were a lot of examples that I had read in emails</p> <p>11 about StockX employees responding to consumer</p> <p>12 complaints of potential fake or counterfeit shoes,</p> <p>13 and the responses in many of these cases that I saw</p> <p>14 over and over again was that there were manufacturer</p> <p>15 flaws, they were quality issues by Nike,</p> <p>16 imperfections, manufacturing variances, those type</p> <p>17 of things.</p> <p>18 So I did want to ask him as well</p> <p>19 about whether this was standard for these shoes, are</p> <p>20 there manufacturing variances for these shoes, and</p> <p>21 he confirmed that, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>25 Q. Mr. Pallett's statement was there were</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Or work?</p> <p>2 A. So no, but he did tell me that Nike's</p> <p>3 manufacturing policies are confidential.</p> <p>4 Q. So he didn't tell you what the</p> <p>5 manufacturing policies were because they're</p> <p>6 confidential?</p> <p>7 A. Correct.</p> <p>8 Q. Was there certain information that you</p> <p>9 were looking for that he didn't tell you because the</p> <p>10 information was confidential?</p> <p>11 A. No.</p> <p>12 Q. How did it come up that the</p> <p>13 manufacturing -- withdraw.</p> <p>14 What was the import of the statement</p> <p>15 that the manufacturing policies are confidential?</p> <p>16 A. So the important part about that</p> <p>17 statement is as I was reviewing the emails by</p> <p>18 StockX, the employees were stating as if it was well</p> <p>19 known that Nike had these manufacturing defects and</p> <p>20 this was something that was well known. So if</p> <p>21 manufacturing policies are not public, that leads me</p> <p>22 to think that they were -- they were just stating</p> <p>23 something that they have nothing -- nothing to back</p> <p>24 up on, to back up what they're saying to their</p> <p>25 consumers when they're complaining about counterfeit</p>
<p style="text-align: right;">Page 39</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 MS. DUVDEVANI: Objection.</p> <p>4 BY THE WITNESS:</p> <p>5 A. So there were three shoes on here, [REDACTED]</p> <p>[REDACTED]</p> <p>7 Q. Got it.</p> <p>8 A. So he claimed that Nike does not have</p> <p>9 [REDACTED]</p> <p>10 Q. Did he mention [REDACTED]</p> <p>[REDACTED]</p> <p>12 A. No.</p> <p>13 Q. Did you ask if there had ever been any</p> <p>14 quality issues with the shoes?</p> <p>15 A. I asked about these specific shoes, and</p> <p>16 he had told me [REDACTED]</p> <p>[REDACTED]</p> <p>18 Q. Okay. Spanning the entire time of their</p> <p>19 release?</p> <p>20 A. Yes.</p> <p>21 Q. Did he show you -- withdraw.</p> <p>22 Did he provide you any documentation</p> <p>23 or any other information about what the basis of his</p> <p>24 statements [REDACTED] was?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 41</p> <p>1 goods.</p> <p>2 Q. Okay. So back to -- you mentioned that</p> <p>3 Mr. Pallett told you about shoes that he had</p> <p>4 attempted to authenticate and determined were</p> <p>5 counterfeit; is that correct?</p> <p>6 A. Yes, I believe it was -- it was him or</p> <p>7 someone from his team.</p> <p>8 Q. Okay. And do you know the circumstances</p> <p>9 under which he or someone from his team</p> <p>10 authenticated those shoes?</p> <p>11 A. Yes. So, I reference that on Page 16.</p> <p>12 So it's my understanding that they [REDACTED]</p> <p>[REDACTED]</p> <p>14 were able to use their proprietary system in order</p> <p>15 to determine that those shoes were indeed</p> <p>16 counterfeit.</p> <p>17 Q. Did you request that Mr. Pallett or his</p> <p>18 team conduct this analysis?</p> <p>19 A. No.</p> <p>20 Q. Do you know when the analysis occurred?</p> <p>21 And by "analysis," I mean, the authentication</p> <p>22 process that Mr. Pallett or his team conducted.</p> <p>23 A. No, I don't know exactly.</p> <p>24 Q. To confirm, you don't know who conducted</p> <p>25 the authentication, correct?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. That's correct.</p> <p>2 Q. Do you know what was done to determine</p> <p>3 whether these shoes were counterfeit?</p> <p>4 A. My understanding from Joe Pallett was</p> <p>5 that they used the Nike proprietary system in order</p> <p>6 to determine that.</p> <p>7 Q. What is that? What was done exactly?</p> <p>8 A. So my understanding of the Nike</p> <p>9 authentication system is [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED].</p> <p>12 Q. So your understanding is that somebody</p> <p>13 [REDACTED]</p> <p>14 [REDACTED] make the determination as to whether</p> <p>15 the shoes were counterfeit?</p> <p>16 A. Yes.</p> <p>17 Q. Did Nike make a counterfeiting</p> <p>18 determination solely based on [REDACTED] to</p> <p>19 your knowledge?</p> <p>20 A. Yes, with their [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 Q. Do you know whether Mr. Pallett or his</p> <p>23 team attempted to authenticate any other shoes as</p> <p>24 part of this analysis?</p> <p>25 A. The ones that I refer to on Page 16.</p>	<p style="text-align: right;">Page 44</p> <p>1 Panda, and Christmas releases that I mentioned a few</p> <p>2 minutes ago.</p> <p>3 Q. Can you explain this to me. Nike</p> <p>4 authenticated these shoes and determined they were</p> <p>5 fake? I want to make sure I understand your</p> <p>6 testimony.</p> <p>7 A. No. My apologies. My apologies. Those</p> <p>8 were ones -- let me go back to my report here.</p> <p>9 So those were ones that StockX had</p> <p>10 claimed that there were manufacturing variances on,</p> <p>11 and those were the ones that Joe Pallett [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q. Are you aware of whether he attempted to</p> <p>15 authenticate any of those shoes in this context?</p> <p>16 A. I'm not aware of that, no.</p> <p>17 Q. Did you ask him if he attempted to</p> <p>18 authenticate any other shoes that were returned or</p> <p>19 asked to be returned to StockX?</p> <p>20 A. I did not ask him that.</p> <p>21 Would it be possible to take a rest</p> <p>22 room break?</p> <p>23 Q. Yeah, actually, give me just a couple of</p> <p>24 minutes and we'll finish this line of thinking and</p> <p>25 that will be a good time for a break.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Other than the shoes that you referred to</p> <p>2 on Page 16, those are three shoes, the Cactus Jack</p> <p>3 Air Max 270, the Air Jordan 1 Mocha, and the Chunky</p> <p>4 Dunky; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Other than those three, are you aware of</p> <p>7 any other shoes that consumers had raised to StockX</p> <p>8 as potentially counterfeit that Mr. Pallett or his</p> <p>9 team attempted to authenticate to determine whether</p> <p>10 they were counterfeit or not?</p> <p>11 A. Yes. I do believe there was a set of</p> <p>12 counterfeits from a power buyer that they were able</p> <p>13 to review some of those and confirm. I think around</p> <p>14 half of them were -- were indeed counterfeit.</p> <p>15 Q. Are those the Roy Kim shoes that you are</p> <p>16 referring to?</p> <p>17 A. Yes.</p> <p>18 Q. Other than the three shoes identified on</p> <p>19 Page 16, and the Roy Kim shoes, are you aware of</p> <p>20 whether Mr. Pallett or his team attempted to</p> <p>21 authenticate any other shoes under this scenario?</p> <p>22 A. Not that I recall, but I will add the</p> <p>23 shoes on Page 14 as well.</p> <p>24 Q. What are the shoes on Page 14?</p> <p>25 A. Those are the Nike Dunks, the Nike Dunk</p>	<p style="text-align: right;">Page 45</p> <p>1 Are you aware of any Nike testimony</p> <p>2 offered in this case that there have been, in fact,</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 A. I'm not aware of any. No.</p> <p>6 Q. And would that contradict what</p> <p>7 Mr. Pallett told you?</p> <p>8 A. No. Not that I believe.</p> <p>9 Q. Why not?</p> <p>10 A. If I understand your question correctly,</p> <p>11 you're asking if I know of any other Nike testimony</p> <p>12 that [REDACTED] So I</p> <p>13 have not read any, and in my conversation with him,</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 Q. What was -- why did you have another call</p> <p>19 with Mr. Pallett the next day?</p> <p>20 A. So the call on the second day on June 1st</p> <p>21 of 2023, that I reference in Footnote 99, was about</p> <p>22 that confirmation that they were able to use their</p> <p>23 proprietary system to confirm that those indeed were</p> <p>24 counterfeit products.</p> <p>25 Q. Is that something you asked him to</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 46</p> <p>1 confirm on May 31 and then he confirmed it on 2 June 1st? What exactly do you mean by that? 3 A. Yes. I believe so. I don't think he had 4 the answer on May 31 so he had to go back and... 5 Q. Did you go and ask him on May 31 to see 6 whether any of these shoes were counterfeit, he did 7 that, and then came back to you on June 1st? 8 A. I believe so, yes. 9 Q. Okay. Or is that -- do you know when he 10 conducted the analysis? Was that something before 11 you talked to him? Like what were the 12 circumstances? Because I think that's a little 13 contrary to what you just said and I just want to -- 14 maybe I'm misunderstanding it. 15 I thought you had testified earlier 16 that you didn't know when he did the analysis or why 17 he did the analysis but when you were on the phone 18 with him, he told you about it. 19 MS. DUVDEVANI: Objection. 20 BY THE WITNESS: 21 A. So I don't know when -- exactly when he 22 conducted the analysis. 23 Q. Right. 24 A. And I don't know who on the Nike team 25 conducted the analysis.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. To confirm the determination of 2 counterfeits. 3 Q. Do you mean like how did you make that 4 determination? 5 A. Correct. 6 Q. And he said, I don't know, let me check 7 and get back to you? 8 A. I don't know if he said I don't know, but 9 he said I'd like to follow up tomorrow. 10 Q. Understood. 11 Do you know who he talked to, to 12 confirm that information? 13 A. I don't. 14 Q. On the May 31 or June 1st calls, did you 15 take any notes? 16 A. Only those that are directly in my 17 rebuttal report. 18 Q. So did anyone else take notes that you 19 used at any point? 20 A. No. 21 Q. Did you discuss any legal strategy on 22 either of these calls? 23 A. No. 24 Q. Did you discuss any facts that are not 25 included in the report?</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Got it. 2 A. But he confirmed that information with me 3 on June 1st. 4 Q. Did he talk to you about it on May 31 as 5 well? 6 A. Generally speaking, yes, and said he 7 needed to confirm. 8 Q. So he said I think that there might be 9 counterfeits on May 31 but I'll confirm with you and 10 get back to you? I'm just trying to understand 11 whether this is something you asked him to do or how 12 it came up. 13 A. So the questions about some of these 14 shoes including the Chunky Dunky, as you can see in 15 Footnote 95, came up in the conversation on May 31. 16 So, he, during that conversation, explained that 17 three of the Nike products that the consumer at the 18 time believed were fake were determined to be 19 counterfeits. So I believe I asked for confirmation 20 on that, and he came back the next day and told me 21 that indeed they had used -- they had used a 22 proprietary system to confirm that. 23 Q. I see. 24 What did you mean when you said "I 25 asked him to confirm that"?</p>	<p style="text-align: right;">Page 49</p> <p>1 A. No. 2 Q. So on both of these calls, everything 3 that Mr. Pallett told you, you put into your report? 4 A. Yes. 5 MS. BANNIGAN: Okay. Let's take a break. 6 Sorry about that timing. 7 THE VIDEOGRAPHER: The time is 10:41 a.m. 8 This is the end of Media Unit 1 and we're going off 9 the video record. 10 (Whereupon, a break in the 11 proceedings was taken.) 12 THE VIDEOGRAPHER: The time is 10:55 a.m. 13 This is the beginning of Media Unit 2, and we are 14 back on the video record. 15 BY MS. BANNIGAN: 16 Q. Going back to Exhibit 1 -- your CV that's 17 attached to Exhibit 1, please. It appears just 18 after Page 40 of your report. 19 Is this an accurate depiction of your 20 background? 21 A. Yes. 22 Q. Is there anything that's missing on here 23 or anything that's occurred since June 2 that you 24 would add to it? 25 A. I believe I had one conference speaking</p>

<p style="text-align: right;">Page 310</p> <p>1 MS. DUVDEVANI: I have no further 2 questions. 3 MS. BANNIGAN: I have just a few. 4 E X A M I N A T I O N 5 BY MS. BANNIGAN: 6 Q. Looking at this exhibit, what is it, 7, 7 looking at Exhibit 7, do you know who wrote this 8 document? 9 A. I don't. I don't have the name exactly, 10 but I know it was someone within StockX that was 11 looking -- looking to deal with some of the 12 requirements and different things that are mentioned 13 here throughout the document. 14 Q. And when you received this document in 15 part of preparation for your report, did you ask any 16 questions about it? 17 A. Not specifically. 18 Q. Do you know if it was used by StockX ever 19 in any capacity? 20 A. I don't have that information one way or 21 the other. 22 Q. At the top of the first page, it says, 23 "If you are making any further edits, please comment 24 or slack me as I'm working in the confluent doc that 25 we will present."</p>	<p style="text-align: right;">Page 312</p> <p>1 REPORTER CERTIFICATE 2 3 I, JO ANN LOSOYA, a Certified Shorthand 4 Reporter within and for the State of Illinois, do 5 hereby certify: 6 That previous to the commencement 7 of the examination of the witness, the witness was 8 duly sworn to testify the whole truth concerning the 9 matters herein; That the foregoing deposition 10 transcript was reported stenographically by me, and 11 the foregoing constitutes a true record of the 12 testimony given and the proceedings had; That the 13 said deposition was taken before me at the time and 14 place specified; That I am not a relative or 15 employee or attorney or counsel, nor a relative or 16 employee of such attorney or counsel for any of the 17 parties hereto, nor interested directly or 18 indirectly in the outcome of this action. 19 IN WITNESS WHEREOF, I do hereunto set my 20 hand this day, July 21, 2023. 21  22 JO ANN LOSOYA, CSR, RPR, CRR 23 C.S.R. 84-002437 24 25</p>
<p style="text-align: right;">Page 311</p> <p>1 Do you have any understanding who 2 wrote that? 3 A. I don't, minus the initials that are on 4 the page. 5 Q. Do you know if this document was edited 6 after this current draft? 7 A. I don't. 8 MS. BANNIGAN: I have no further 9 questions. 10 THE VIDEOGRAPHER: The time is 7:31 p.m. 11 This is the end of Media Unit 9, and it is also the 12 end of the deposition. We're going off the video 13 record. Thank you. 14 (Off the record at 7:31 p.m.) 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 313</p> <p>1 Tamar Dudevani, Esq. 2 tamar.dudevani@dlapiper.com 3 July 21, 2023. 4 RE: Nike, Inc. v. Stockx, LLC 5 7/18/2023, Kari Kammel (#6001080) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-ny@veritext.com. 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>